

Remarks

Claims 1-40, 44 and 45 are pending in this application.

Claims 1 and 44 are independent.

Claims 12-34 stand withdrawn.

Claims 1-11, 35-40, 44 and 45 are under consideration.

Claim 45 is objected to as being dependent upon a rejected base claim, but is otherwise allowable.

There are no allowed claims.

The Final Rejection of March 6, 2002 (*sic*) is withdrawn. New rejections are issued.

Obviousness-Type Double Patenting

Claims 1-11, 35-40 and 44 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending application No. 09/481,665.

Applicants attach herewith a terminal disclaimer over the copending application to obviate these rejections.

Claims 1-11, 35-40 and 44 are rejected under the judicially created doctrine of double patenting over claims of commonly assigned U.S. Pat. Nos. 6,254,724 or 6,500,303 or 6,447,644.

Applicants attach herewith a terminal disclaimer over U.S. Pat. No. 6,254,724 to obviate these rejections.

Applicants submit that claims that issue from the present application will not improperly extend the "right to exclude" already granted in U.S. Pat. Nos. 6,500,303 and 6,447,644. U.S. Pat. No. 6,500,303 contains claims drawn to certain nitroxyl and hydroxylamine salt compounds. U.S. Pat. No. 6,447,644 contains claims drawn to stabilized paper compositions that comprise hindered nitroxyl (E is oxyl) compounds. There is no possible overlap of the present claims and those of these two issued patents.

Applicants further submit a third terminal disclaimer over copending application No. 09/483,017, filed Jan. 13, 2000. This application contains claims aimed at chemical pulp or paper stabilized with hindered nitroxyl, hindered hydroxylamine or hindered hydroxylamine salt compounds.

Copending application Nos. 09/481,665 and 09/483,017 were submitted as part of an IDS filed Feb. 15, 2002.

Applicants submit that the submission of these three terminal disclaimers obviates any possible obviousness-type double patenting rejections.

Rejections under 35 USC 103(a)

Claims 1-11, 35-40 and 44 are rejected under 35 USC 103(a) as being unpatentable over Seltzer, et al., U.S. Pat. No. 5,051,511 (Seltzer '511) in view of Rogers, et al., U.S. Pat. No. 5,459,222 (Rogers '222).

Applicants respectfully traverse these rejections.


These rejections are as previously applied. The Examiner is kindly requested to refer to the arguments of record in the "Supplemental Appeal Brief", filed Dec. 12, 2002. Applicants submit that the arguments of record, further bolstered by the Vidal Declaration of record, are sufficient to rebut the present rejections.

In light of the present remarks, arguments of record, the Vidal Declaration, and the three terminal disclaimers presently submitted, Applicants aver that the present rejections are each addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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Attachments: Terminal Disclaimer over app. No. 09/481,665, filed Jan. 12, 2000
Terminal Disclaimer over app. No. 09/483,017, filed Jan. 13, 2000
Terminal Disclaimer over U.S. Pat. No. 6,254,724